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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,065	02/03/2006	Michael Kubert	KUBERT1	9524
1444 7590 02/03/2009 BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303			EXAMINER IZAGUIRRE, ISMAEL	
			ART UNIT 3765	PAPER NUMBER
			MAIL DATE 02/03/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/567,065	Applicant(s) KUBERT ET AL.	
	Examiner Ismael Izaguirre	Art Unit 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 9-12 is/are rejected.
- 7) ☒ Claim(s) 5-8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/3/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

SPECIFICATION

Abstract

The abstract of the disclosure is objected to because of its length. An Abstract should be limited to no more than 150. Correction is required. See MPEP § 608.01(b).

CLAIMS

Summary

Claim 1 is the independent claim under consideration in this Office Action.

Claims 2-12 are the dependent claims under consideration in this Office Action.

Parentheses in Claim

In claim 10, line 3, "220; 230)" should be replaced by "(220; 230)".

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, and 10 are rejected under 35 U.S.C. § 102(b) as being anticipated by Bouleau et al. (5,444,216).

Bouleau et al. teach a steam iron for use in removing wrinkles from articles while in a horizontal position and a vertical position. Bouleau et al. teach an iron including a first steam generation chamber (connected to inlet 17) and a second steam generation

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chamber (connected to inlet 23). The first steam generating chamber is useful for use when the iron is in the horizontal position. In this position a valve is used to allow water to enter a first water retention chamber 26 for passage into the steam generation chamber. In the vertical position, water is fed to a chamber 28 which is passed to the second steam generation chamber. When the iron is oriented vertically, a walled chamber is presented such that water is puddled or retained before the water is fed into the second steam chamber. The second steam producing chamber includes a rather flattened rectangular shape of several times the volume of the puddle water and has a larger heat exchange total surface when in the horizontal position than when the iron is in the vertical position. The second steam producing chamber includes a wall section which is thicker toward the front of the iron (figure 6, to the left of the leader line of character number 20) and thus would have a larger stored heat energy or assuring water is converted into steam as the iron is positioned vertically.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

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directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-4, and 9-12 are rejected under 35 U.S.C. § 102(e) as being anticipated by Walther (6,802,141).

Walther teaches a steam iron for use in removing wrinkles from articles while in a horizontal position and a vertical position. Walther teaches an iron including a first steam generation chamber 210 and a second steam generation chamber 220. The first steam generating chamber is useful for use when the iron is in the horizontal position. In this position a valve is used to allow water to enter the first steam generation chamber under normal use during normal conditions. The second steam generating chamber is useful for providing an extra burst of steam and can be used with the iron in a vertical position. In the vertical position, water is fed to a walled steam chamber with a torturous path. The second steam producing chamber includes a rather flattened horseshoe shape of several times the volume of the water fed to it by a pump and has a larger heat exchange total surface when in the horizontal position than when the iron is in the vertical position. The second steam producing chamber includes a wall section 222 which is thicker (or taller) towards the front of the iron relative to the bottom wall of the first steam generating chamber. The thickened portions would have a larger amount of stored heat energy or assuring water is converted into steam as the iron is positioned vertically. One of the walls includes a locally isolated portion accommodating

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a layer of air at groove 225. Projecting elements 221 are provided projecting from the bottom wall or the side wall for increasing the heat exchange surface with the water.

ALLOWABLE SUBJECT MATTER

Claims 5-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

PERTINENT CITATIONS

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ogata et al. illustrate a steam chamber including projections. Bouleau et al. and Alday Lesaga illustrate double vaporization chambers. Clevenberg and Osrow illustrate irons usable vertically. Patrick et al. illustrate an iron including a water retaining chamber for retaining water when the iron is used vertically.

INQUIRIES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Izaguirre whose telephone number is (571) 272-4987. The examiner can normally be reached on M-F (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ismael Izaguirre/
Primary Examiner, Art Unit 3765